

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Alexander Golitschek Edler Von Elbwart, et al.	Art Unit: 2617
Appln. No.:	10/594,556	Exr. S. D'Agosta
Filed:	September 24, 2007	Conf. No. 5571
For:	METHOD FOR PERFORMING A SCHEDULING ALGORITHM WITH A MINIMUM RESOURCE PARAMETER AND METHOD OF CALCULATING SAME	

SUMMARY OF SUBSTANCE OF TELEPHONE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

At the outset, the Applicants wish to thank the Examiner for the courtesy shown to their representative during a telephone interview on December 1, 2010. The participants were Examiner D'Agosta and Douglas Agopsowicz, Reg. No. 56,792. The following includes a summary of the substance of the interview. No agreement was reached.

During the interview, the discussion focused on the rejections of claims 18, 22-30, and 34 made in the Office Action mailed August 3, 2010 and maintained in the Advisory Action mailed October 12, 2010, and particularly on claims 18 and 22. The prior art references US 6,745,044 to Holtzman (hereinafter, "Holtzman"), Havinga et al., "Energy-efficient TDMA Medium Access Control protocol scheduling" (hereinafter, "Havinga"), Klein (US Printed Pub.

2004/0053574) (hereinafter, “Klein”) and Hoagland (US 6,731,947) (hereinafter, “Hoagland”) were discussed.

The Applicants’ representative argued that the various rejections should be withdrawn for the following reasons.

The points set forth in the Amendment filed on November 3, 2010 were also discussed as to independent claims 18 and 34. First, the Applicants’ representative and Examiner D’Agosta discussed the nature of the method for performing a scheduling algorithm method recited by claim 18, to clarify the various features and benefits achieved by the method. Then, the Applicants’ representative noted that the Office Action’s interpretation of claim 18, as set forth in the Advisory Action, neglects to address certain features recited by claim 18, and explained that neglecting claimed features is not an appropriate method to examine claims. The Applicants’ representative further explained why the prior art references failed to show various features recited by claim 18, noting that, for example, Holtzman fails to teach or suggest the feature of obtaining the minimum resource parameter by the scheduler “from a communication unit,” as recited by the Applicants’ claim 18, and the other references fail to cure this deficiency of Holtzman.

No agreement was reached with respect to the rejection of independent claims 18 and 34.

With respect to claim 22, the Applicants’ representative noted that the prior art, including Klein and Hoagland, failed to teach or suggest the features of “wherein the minimum resource parameter represents a minimum ratio of a number of information bits processed by the communication unit in a scheduling frame to an expended processing and operating power spent during the radio access by the communication unit in said scheduling frame.” The Examiner acknowledged that the prior art does not appear to teach or suggest this feature recited by claim

22, but noted that he would need to conduct further search and consideration to determine whether the prior art taught or suggested this feature. The Examiner noted that he would conduct an updated search and issue an Office Action based on the search.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: December 7, 2010
JEL/DEA/att

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